



SURFACE TRANSPORTATION BOARD

30-day Notice of Intent to Seek Approval for Information Collections: Joint Notice of Intent to Arbitrate and Notice of Availability for Arbitrator Roster

AGENCY: Surface Transportation Board.

ACTION: Notice and Request for Comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for the existing collections without OMB control numbers of the Joint Notice of Intent to Arbitrate and Notice of Availability for Arbitrator Roster, as described separately below. The Board previously published a notice about these collections in the Federal Register. That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: The comment period for the notice published September 2, 2020, at 85 FR 54615, is extended. Comments on these information collections should be submitted by December 7, 2020.

ADDRESSES: Written comments should be identified as “Paperwork Reduction Act Comments, Joint Notice of Arbitration and Arbitration Roster.” These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Michael J. McManus, Surface Transportation Board Desk Officer: by email at oir_submission@omb.eop.gov; by fax at (202) 395-1743; or by mail to Room 10235, 725 17th Street, N.W., Washington, DC 20503. Please also direct comments to Chris Oehrle, PRA Officer, Surface Transportation Board, at PRA@stb.gov. For further information regarding these collections, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0284 and at Michael.Higgins@stb.gov. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) the accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collections of information are necessary for the proper performance of the functions of the Board, including whether the collections have practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collections

Information Collection 1

Title: Joint Notice of Intent to Arbitrate

OMB Control Number: 2140-XXXX

STB Form Number: None

Type of Review: Existing collection without an OMB control number

Respondents: Parties seeking to submit to arbitration certain matters before the Board

Number of Respondents: One

Estimated Time Per Response: One hour

Frequency: On occasion

Total Burden Hours (annually including all respondents): One

Total "Non-hour Burden" Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: As an alternative to filing a written complaint, parties may submit a joint notice to the Board, indicating the consent of both parties to submit an issue in dispute to the Board's arbitration program. In the joint notice, parties state the issue(s) that they are willing to submit to arbitration. The notice must contain a statement that would indicate that all relevant parties are participants in the Board's arbitration program pursuant to § 1108.3(a), or that the relevant parties are willing to arbitrate

voluntarily a matter pursuant to the Board's arbitration procedures, and the relief requested. The notice must also indicate whether parties have agreed to a three-member arbitration panel or a single arbitrator and must indicate whether the parties have mutually agreed to a lower amount of potential liability in lieu of the monetary award cap that would otherwise be applicable. The joint notice encourages greater use of arbitration to resolve disputes at the Board.

Information Collection 2

Title: Notice of Availability for Arbitrator Roster

OMB Control Number: 2140-XXXX

STB Form Number: None

Type of Review: Existing collection without an OMB control number

Respondents: Potential arbitrators

Number of Respondents: 14

Estimated Time Per Response: One hour

Frequency: Annually

Total Burden Hours (annually including all respondents): 14

Total "Non-hour Burden" Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: Under 49 CFR 1108.6(b), an arbitration roster is compiled by the Board's Chairman. Qualified persons who wish to be placed on the Board's arbitration roster must submit notice of their availability to be added to the roster. The Chairman may augment the roster at any time to include eligible arbitrators and may remove from the roster any arbitrators who are no longer available or eligible. Potential arbitrators must also update their availability and information annually if they wish to remain available for the arbitration roster. The arbitration rosters are available to the public on the Board's website at <https://prod.stb.gov/resources/litigation-alternatives/arbitration/> (look under "Resources," and click on "Roster of Arbitrators").

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: November 2, 2020.

Tammy Lowery,

Clearance Clerk.

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